Claims 1-17 are in the case, none having been allowed.

Drawings

Under cover of a Letter to the Drawing Review Branch, applicants submit formal drawings for entry in the case subject to the approval of the Examiner.

35 U.S.C. 102

Claims 1-17 have been rejected under 35 U.S.C. 102(b) over Tso et al (US 6185625 B1), hereafter referred to as Tso.

Applicants traverse, and argue that the Examiner has not established a prima facie case of anticipation. A prima facie case of anticipation requires that the Examiner provide (1) a single reference (2) that teaches or enables (3) each of the claimed elements arranged as in the claim (4) expressly or inherently (5) as interpreted by one of ordinary skill in the art.

In broad overview, applicants' invention relates to the following:

1. Receiving the HEAD request.
2. Responding to the HEAD request with the attributes of the data requested in the header.
3. Receiving a GET request.
4. Responding to the GET request with the data attributes and data.

With respect to claim 1, Tso at Col. 22, lines 2-8 describes downloading a set of automatically executing instructions:

> "...downloading a graphical user interface to the client in response to receiving the object request, the graphical user interface comprising a set of automatically executing instructions for requesting a scaling preference from a user of the client..." (emphasis added).

Applicants' claim 1, however, recites:

> "...receiving from said browser a head request for the header of a data file; responsive to said head request,

serving to said browser data file header information including data type and data size..." (emphasis added).

Applicants are, therefore, claiming responding to a head request (which is a request for the header of a data file) with a set of data (data that is not machine executable), and are not responding, as Tso requires, with a set of automatically executing instructions.

The set of automatically executing instructions taught by Tso, as referenced by the Examiner, is a significantly different object than a data file header, as claimed by applicants. Consequently, Tso does not teach, as is required to establish a prima facie case of anticipation, "(3) each of the claimed elements arranged as in the claim".

With respect to claim 2, Tso teaches at col. 10, lines 60-64:

"Encode manager 7 dynamically determines the content type for the data stream (e.g., image/jpeg, image/gif, video/mpeg) by interrogating a MIME type in the content-type header record that appears at the beginning of the incoming HTTP data stream." (emphasis added).

Applicants' claim 2 recites:

> "communicating to said server a head request;
>
> "receiving from said server in response to said head request a data file header describing data file parameters;...
>
> "communicating to said server a get request requesting said server to serve said data file."

The teaching of Tso at col 10, lines 60-62, upon which the Examiner relies teaches that the material describing the content type comes in a "header record that appears at the beginning of the incoming HTTP data stream." This is not what applicants claim. Rather, claim 2 recites that a data file header describing the data file be requested and received, and then that the full data file be requested and received. To the extent that Tso may be construed as pertinent to applicants invention, it is pertinent to the response to the GET request and not to the HEAD request.

Further with respect to claim 2, Tso at col. 11, lines 22-25 describes using Content-Length in the HTTP header for determining data compression. On the other hand,

applicants' claim 2 refers to using the header information parameters found in the HTTP header for determining whether to retrieve the data at all.

Further with respect to claim 2, Tso at col. 5 lines 56-59 describes sending and receiving information over a network link using a distributed system of computers. Applicants' claim 2 uses a head request to retrieve only the header information without regard to the network link (dial-up, WAN, LAN).

Further with respect to claim 2, Tso at col. 13, lines 55-62 describes using multiple decode services providers that do translation and compression. Applicants' claim 2, as quoted above, refers to using the head for getting information only with no data.

In summary, with respect to claim 2, Tso does not teach, as is required to establish a prima facie case of anticipation, "(3) each of the claimed elements arranged as in the claim".

Claims 3-10 depend from claim 2, and are similarly distinguished from Tso.

Further, with respect to claim 3, Tso at col. 12, lines 20-22 refers to communicating a preference for the scaling of data content using a set of embedded instructions to drive the user (client) interface. Applicants' claim 3 refers to getting data that is acceptable to the user (Content-Type and Content-Length) using the head method of claim 2.

Further, with respect to claim 5, Tso at col. 2, lines 35-39 refers to data compression of audio and video on the web, and at col. 6, lines 32-36 to compressing or scaling data of different types. Applicants' claim 5 refers to receiving data of a specific type that was preselected using the head method of claim 2.

Further, with respect to claim 6, Tso at col. 9, lines 19-35, describes how caching is managed using multiple tasks. Applicants' claim 6 refers to the client using the get method to retrieve the data only when the attributes sent in the head method match one of the user selected parameters, and has nothing to do with caching.

Further, with respect to claim 7, Tso at col. 9, lines 3-7, refers to a proxy using particular scaled data types whose data is always sent from a client to the remote proxy.

Applicants' claim 7 refers to data being selectively requested when it meets the user parameters so that data may not always be requested from server.

Further, with respect to claim 7, Tso at col. 12, lines 20-22, refers to communication between scaled and original content by the user. Applicants' claim 7, which depends from claims 6 and 2, refer to always using the head method to retrieve header to determine if the size is within the user parameters.

Further, with respect to claim 9, Tso at col. 14, lines 54-60, refers to requesting an add-in from the HTTP remote proxy. Applicants' claim 9 deals with data files not within a specific size giving the user the option to alter the acceptable sizes.

Further, with respect to claim 10, Tso at col. 14, lines 56-60, refers to the use of an add-in requested from the remote proxy server. Applicants' claim 10 deals with the ability of the user to specify getting a portion of the data from the server.

With respect to claims 11-17, the Examiner asserts that various limitations would be "obvious". Applicants traverse

these assertions, and note that obviousness type rejections are not appropriate under 35 U.S.C. 102.

Claims 11, 12 and 17 are distinguished from Tso as discussed above with respect to claim 1.

Claims 13-16 are distinguished from Tso as discussed above with respect to claim 2.

Further, with respect to claims 14-17, the Examiner takes "official notice" that

> "...it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display."

Applicants contend that claims 11 and 12 should not be considered as taught by Tso and the Examiner's assertion under 35 U.S.C. 102 inasmuch as these claims provide for controlling the content-type of the data (audio, video, image, text or applications). Further, applicants contend that claim 13 is not obvious (under 35 U.S.C. 102) in the context of a logic element that may be used in a browser where bandwidth, memory or storage are limited, such as a

hand-held device. The method of claim 13 provides for a user at a client browser to be in control of the content of static web pages that may be served up by the server. The user at a client browser can thus be in control of any content type that could be served.

With respect to claims 14-17, applicants request, pursuant to 37 C.F.R. Section 1.1107(b) an affidavit of the Examiner that provides citation to the art which teaches "a machine for storing and execution of the method and system in order to adjust web display" in the manner claimed.

Applicants request that the rejection of claims 1-17 under 35 U.S.C. 102 over Tso be withdrawn, and the case passed to issue.

SUMMARY AND CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attachment is captioned "**Version with markings to show changes made.**"

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-17.

If, in the opinion of the Examiner, a telephone conversation with applicant(s) attorney could possibly facilitate prosecution of the case, he may be reached at the number noted below.

Sincerely,

R. G. Harman, et al.

By

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification

Paragraph beginning at line 11 of page 5 has been amended as follows:

--It is a further object of the invention to provide [an] a system and method utilizing the HEAD method for allowing a user to determine whether to retrieve data from a server before retrieving any data other than the header.--

Paragraph beginning at line 19 of page 5 has been amended as follows:

--In accordance with a first embodiment of the invention a server system and method is responsive to a request for data from a client browser. The server receives from the client a HEAD request for the header of a data file or document. Responsive to the HEAD request, the server serves to the browser data file header information including data type and data size. Thereafter, upon receiving from the browser a GET request, the server [servers] serves to the browser the data file or document corresponding to the header.--